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FOR CA/OCS/CI, CA/VO/F/P, CA/OCS/ACS/EAP AND PRM

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SUBJECT: A/S HARTY DISCUSSES ADOPTIONS, IVS IN CAMBODIA

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1. (SBU) Summary. RGC officials from the Ministry of Foreign Affairs (MFA) and Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MOSAVY) told visiting CA A/S Harty that they support Cambodia's ratification of the Hague Convention on Intercountry Adoption and have added the Convention to the list submitted to the National Assembly for ratification. They acknowledged that the RGC has been working on an adoption law for three years and pledged to try and bring it before the legislature in 2007. MOSAVY explained its plans to establish infrastructure that would improve transparency and protect the interests of all parties in the adoption process. The Ambassador expressed concern about RGC treatment of newly arrived Montagnards in Cambodia. A/S Harty and the Ambassador briefed local press about the resumption of immigrant visas. End Summary.

2. (U) CA A/S Harty and the Ambassador called on Acting Foreign Minister Long Visalo and Minister Ith Sam Heng of MOSAVY on September 13 to inform the RGC about the planned return of immigrant visa processing to Phnom Penh and to review GOC progress on adoptions since her October 2004 visit. CA Special Assistant Julie Ruterbories, CA/OCS/CI Director Ellen Conway and Phnom Penh CONS chief Anne Simon (notetaker) also attended.

#### MFA Supports Hague Ratification

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3. (SBU) Acting ForMin Long Visalo told A/S Harty that the RGC will become a signatory to the Hague convention because the adoption law was still in progress at MOSAVY after three years. The Hague convention would provide a procedural framework that matches RGC and USG goals for child welfare. He said that PM Hun Sen agreed, so the MFA had placed the Hague convention on the list of treaties sent to the National Assembly for ratification, although he caveated that it could take some time since the Assembly has a full agenda. Still, Visalo expects that the Assembly would act on the Hague ratification faster than the proposed adoption law. He saw both mechanisms as complementary and acknowledged the RGC's desire to be transparent and avoid the appearance of adoption as a form of child trafficking.

4. (SBU) Visalo laid out several Cambodian ground rules for adoptions. He strongly opposes the presence of foreign adoption agencies or intermediaries. He believes fees should only be paid to government agencies that provide a service (e.g., passports, required documents). He professed to want to protect the children, biological parents and prospective adoptive parents. He reviewed the history of the January 2004 arrest of adoption provider Lauren Galindo and his staunch opposition to her activities at the time. When asked about a future Hague Central Authority, Visalo indicated the jurisdiction was still under negotiation with MOSAVY, but he made clear that he was advocating for MFA control.

15. (U) A/S Harty invited the RGC to come to the United States for consultations on the Hague Convention and offered CA's expertise in establishing a Central Authority. She emphasized the need for transparency, the importance of building necessary institutions to protect the rights of all parties and urged passage of the adoption law in addition to ratification of the Hague Convention.

Montagnards  
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16. (SBU) Switching gears at the end of the meeting, the Ambassador put Visalo and the MFA on notice that problems continued with RGC treatment of arriving Montagnard refugees from Vietnam and that the USG was concerned about refoulement. Visalo professed not to know about any problems or violations of the MOU between Cambodia and Vietnam, but requested that UNHCR contact the MFA by letter so that he could investigate. He underscored continued RGC support for its obligations under the 1951 Refugee Convention.

MOSAVY Working on Legislation and Procedures  
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17. (SBU) MOSAVY Minister Ith Sam Heng readily updated A/S Harty on "new developments" on adoptions. He admitted the law was not moving quickly enough, but explained the RGC had decided to try and ratify the Hague Convention in the meantime. He estimated that ratification would take about six months. The government still intends to present the adoption law, but its timetable is longer. The law is currently nearing the end of a review to ensure conformity with Cambodian civil law by the Ministry of Justice, MOSAVY, MFA, UNICEF and a Japanese consultant. Heng estimated the law would be sent for interministerial discussion by the end of 2006. It would then go to the legislature and hopefully be passed by the end of 2007.

18. (SBU) MOSAVY is also working in advance on "frameworks" for adoption that would conform to the Hague Convention and ensure adoptions are conducted in a transparent manner. The Ministry is

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strengthening the capacity of officials to determine the identity of children who are in orphanages and will set a legal fee schedule to prevent illegal payments being made in the adoption process. Heng also plans to establish an "inter-country adoption center" which will oversee the transfer and adoption of children. However, the center would not be the country's Hague Central Authority. MOSAVY wants that role since it has the legal authority to issue the final certificates of adoption, but Heng did note that the decision would be made by the government at the highest level. Heng asked for technical help and said he planned send a team to the United States to study adoption soon. He noted he had previously been to China, was impressed with its system and the many American adoptive parents he met while there, but wanted to create a system suitable for Cambodia.

19. (SBU) A/S Harty assured Heng that in anticipation of significant progress she would try to return in November 2007, and reiterated the offer made to the MFA for the RGC to come to the United States for consultations on Hague implementation. She termed MOSAVY's three-part strategy terrific. The Ambassador told Heng that he would push the Council of Ministers to act on the legislation as soon as MOSAVY could get it to them.

Resumption of IVs - Press Event  
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110. (SBU) A/S Harty also informed her interlocutors that CA has approved the return of immigrant visa processing to Phnom Penh in the near future, though the original starting date has been postponed due to a case of malfeasance in the office. Officials agreed this was a positive sign of the developing relationship between the U.S. and Cambodia. She later made a similar announcement at a well attended press conference at the Embassy, which was covered by all the major Cambodian news outlets.

111. (SBU) Comment: The visit of a high-ranking senior consular

official has pushed the RGC to find a faster way to improve its adoption system. We welcome the news that the RGC is working on a framework and hopes to send experts to the U.S. We foresee a turf conflict between MOSAVY and the MFA over the Hague Central Authority. However, both ministries seem to share the U.S. goals of transparency, protection of the child, birth parents and prospective adoptive parent, preventing fraud and building institutions and capacity. Embassy Phnom Penh will work to ensure that any upcoming delegation includes representatives from the MFA, MOSAVY and the Ministry of Justice. The Ambassador plans to engage RGC officials regularly on adoptions. End comment.

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